

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:13-cr-28-002
v.)	
)	Judge Mattice/Steger
DEANIA LEANN WARE)	
)	

MEMORANDUM AND ORDER

DEANIA LEANN WARE (“Defendant”) came before the Court for an initial appearance on January 9, 2017, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision (“Petition”).

After being sworn in due form of law, Defendant was informed of her privilege against self-incrimination under the 5th Amendment and her right to counsel under the 6th Amendment to the United States Constitution.

The Court determined Defendant wished to be represented by an attorney and that she qualified for the appointment of an attorney to represent her at government expense. Consequently, the Court APPOINTED Federal Defender Services of Eastern Tennessee, Inc. (specifically, Myrlene Marsa) to represent Defendant.

Defendant was furnished with a copy of the Petition, and had an opportunity to review that document with her attorney. The Court determined that Defendant was able to read and understand the Petition with the assistance of her counsel. In addition, AUSA T.C. Makaya explained to Defendant the specific charges contained in the Petition. Defendant acknowledged that she understood the charges in the Petition.

The Government moved Defendant be detained pending a determination by Judge Mattice as to whether her term of supervised release should be revoked. The Court explained Defendant’s right to a preliminary hearing and detention hearing and what those hearings entail. Defendant conferred with her counsel and requested that the preliminary hearing and the detention hearing be waived.

The Court finds that Defendant has committed multiple violations of her conditions of supervised release, and that Defendant has not carried the burden of establishing by clear and convincing evidence that she will not flee or pose a danger to any other person or to the community. Consequently, the Court GRANTED the Government’s oral motion to detain Defendant pending her revocation hearing or other disposition of the Petition by this Court.

It is, therefore, ORDERED that:

1. Counsel for Defendant and the Government shall confer and make best efforts to submit to U.S. District Judge Mattice a proposed Agreed Order with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision.
2. In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision, they shall request a hearing before U.S. District Judge Mattice.
3. The government's motion that Defendant be DETAINED WITHOUT BAIL pending further Order of this Court is **GRANTED**.

ENTER.

s/Christopher H. Steger
United States Magistrate Judge